



# PHYSICAL THERAPY BOARD OF CALIFORNIA

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## Physical Therapy Board of California Meeting Minutes January 27 & 28, 2005

Shelter Pointe Hotel & Marina  
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<b>Thursday, January 27, 2005</b>	<b>9:00 A.M.</b>	<b>- Board Meeting</b>
<b>Friday, January 28, 2005</b>	<b>8:30 A.M.</b>	<b>- Board Meeting</b>

**Thursday January 27, 2005 9:00 A.M.**

### 1. Call To Order and Roll Call

President Chu called the meeting of the Physical Therapy Board of California to order at 9:17 a.m. Roll call was taken.

Donald Chu, PhD, PT - President  
Lorraine Kimura, PT – Vice President  
James Turner  
Ellen Wilson, PT  
Julie Brandt  
Randi Woodrow, PT

All members were present.

*The minutes are to reflect at the discretion of President Chu agenda items 15, 16, 17, 19, 20, and 21 were moved to be discussed on January 27, 2005.*

### 2. Recognition of Robert Miller's Service as the Board's Legal Counsel

President Chu presented Robert Miller with a Certificate of Appreciation plaque and expressed the Board's gratitude for his long-term service as the Board's legal counsel.

### 3. Approval of Minutes

(A) November 4 & 5, 2004 – Board Meeting

Moved by Randi Woodrow, Seconded by James Turner to approve the November 4 & 5, 2004 Board meeting minutes as written. Vote: 6-0. Motion carried.

### 4. President's Report – Donald Chu, PhD, PT

(A) Update

President Chu announced he received word this morning the Judge that was ruling on the lawsuit the APTA had filed against the FSBPT regarding the examination costs has dismissed the case.

(B) 2005 Meeting Dates

President Chu reviewed the 2005 meeting dates. After discussion regarding the May Board meeting dates, President Chu directed staff to expand the meeting location area if a hotel cannot be secured in the Burbank area for the dates May 12 and 13, 2005.

Mr. Hartzell suggested the members schedule a Board meeting in June as a precaution if the Governor's reorganization plan goes through. Members agreed to direct staff to pursue June 15 or 29, 2005 as dates to schedule a Board meeting, only if the Governor's reorganization plan goes through.

(C) Out-of-State Travel

Mr. Hartzell reported he had sought DCA approval to attend the out-of-state FARB meeting; however, he was informed approval was unlikely to occur.

**5. Executive Officer's Report -*Steven K. Hartzell***

(A) Update

Mr. Hartzell updated the members on recent staff promotions and that he will be working on restructuring the office with DCA. Staff promotions include: Cheryl Hayer to Management Services Technician, Carl Nelson to Staff Services Analyst, and Rebecca Marco as the Assistant Executive Officer.

(B) 2004 - 2005 Budget

Mr. Hartzell referred members to the 2004 – 2005 Budget report included in the agenda book and stated there had not been any significant changes since the last Board meeting.

(C) 2005 - 2006 Budget & BCP's

Mr. Hartzell reported the Governor has distributed the 2005-2006 Budget. The Legislature will be reviewing and conducting hearings on the Governor's budget within the next couple of months.

**6. Government Reorganization Proposal – *Steven K. Hartzell***

Mr. Hartzell reported he included a briefing paper and the information on the Governor's Reorganization Proposal in the agenda book. He did attend a portion of the Little Hoover's Commission hearing on January 26, 2005. The Governor's Reorganization Proposal needs to be submitted to the Little Hoover Commission 30 days prior to the Legislature. Mr. Hartzell explained the process of the Governor's Reorganization Proposal. He further explained the Board's can choose to take a position on the Governor's Reorganization Proposal and submit a letter voicing their position.

Mr. Miller reported there has been another Board that submitted a formal letter opposing the Governor's Reorganization Proposal that was signed by their Board President.

Moved by Randi, Seconded by James Turner to direct staff to write a letter of opposition for the Board President's signature. Vote: 6-0. Motion carried.

Stacy Defoe, CPTA, stated the CPTA is strongly opposed to the Governor's Reorganization Proposal. The CPTA is working with their lobbyist and will be taking a public stand opposing the Governor's Reorganization Proposal.

**7. Newsletter – Debi Mitchell**

Debi Mitchell directed members to the newsletter included in the agenda book. Ms. Wilson had three clerical corrections within the newsletter. The Board directed final approval of the newsletter to the Board President.

Ms. Mitchell reported the newsletter will be published in March.

**8. Physical Therapy Practice Act Review Task Force – Lorraine Kimura, PT**

Ms. Kimura reported on the progress of the Physical Therapy Practice Act Review Task Force and that the task force will be meeting again following the Board meeting.

Ms. Wilson reported she did rewrite another draft for the physical therapist assistant supervision language and will be forwarding her draft to the task force for their review.

Mr. Hartzell reported he is also working on a draft and discussed his concept of changing the physical therapist assistant supervision language. He will be discussing his concept with the task force at their next meeting.

Steve Hartzell reported Mr. Miller will be continuing on with Department of Consumer Affairs as a retired annuitant for a few more months to assist the Board with completing the Physical Therapy Practice Act Review Task Force.

Mr. Hartzell anticipates the Physical Therapy Practice Act Review Task Force will have a draft of the Physical Therapy Practice Act which will be included as part of the Sunset Review.

**9. Rulemaking – Rebecca Marco**

**(A) 2004 Rulemaking**

Ms. Marco reported on the 2004 Rulemaking Calendar included in the agenda book.

**(B) Rulemaking in Progress**

Ms. Marco identified the regulations that are in progress or completed.

**(C) 2005 Rulemaking Calendar**

Ms. Marco reported on the 2005 Rulemaking Calendar included in the agenda book and identified the regulations that have been carried over from 2004 along with the new regulations for 2005.

Ms. Marco explained the additional handouts on the Notice to Consumers, Cite and Fines, and Name Identification. These have been sent to the Office of Administrative Law (OAL); however, the Board can still choose to not move forward with these proposed regulations.

The Board directed staff to explore if the Board has the authority in statute to require physical therapists to place a "Notice to Consumers" in their physical therapy practices for consumers. If the Board does not have

statutory authority then the Board will need to decide if this language should be forwarded to the task force to include in their rewrite of the Physical Therapy Practice Act.

Ms. Marco explained the Citation and Fines regulation has been added again to the 2005 Rulemaking Calendar due to the memo the Board received from DCA indicating the statutory authority on Citations and Fines was increased to \$5,000. Additionally the Board had directed staff to reduce the record retention from seven to three years. She explained each Board has the discretion to decide if they would like to increase the maximum amount a fine can be imposed up to \$5,000 and to reduce the record retention of a citation.

Moved by James Turner, Seconded by Lorraine Kimura to direct staff to pursue with reducing the length of time for the record retention on a citation from seven to three years and to not increase the citation fine to \$5,000. Vote: 6-0. Motion carried.

Ms. Marco explained the problem staff is having with licensees calling in and not knowing whether a name means first and last name or just last name. This has been brought up for the Board to decide if they want to clarify the “name” in the regulation.

Mr. Miller after reviewing Section 680 of the Business and Professions Code determined that the language is meant for the full name as indicated on the license.

The Board does not feel clarification of “name” needs to be pursued based on Mr. Miller’s definition on Section 680 of the B&P Code, which indicates full name.

Ms. Marco identified the regulations that are in black on the 2005 Rulemaking Calendar are new regulations that have been added. She requested if the Board would prioritize which regulations they would like staff to work on first.

Ms. Wilson expressed her frustration with the Infection Control regulation. Mr. Hartzell requested if members could send staff their standards on Infection Control. Ms. Wilson indicated she will forward her information to staff again along with Ms. Woodrow and Ms. Kimura. Mr. Hartzell indicated he will need to consult with Mr. Miller to define what gross negligence is and what the community standard is regarding Infection Control.

Ms. Wilson requests the Board to move forward with the regulations on Unprofessional Conduct and Informed Consent.

***1:30 P.M.***

**10. Licensing Committee - *Ellen Wilson, PT, James Turner, Randi Woodrow, PT, Donald Chu, PhD., PT***

The meeting bullets on the Licensing Committee are located at the end of the minutes.

**11. Practice Issues Committee - *Lorraine Kimura, PT, Julie Brandt, Donald Chu, PhD., PT***

The meeting bullets on the Practice Issues Committee are located at the end of the minutes.

RECESS UNTIL 8:30 A.M. Friday January 28, 2005  
***Friday, January 28, 2005 8:30 A.M.***

**12. Call to Order and Roll Call**

President Chu called the meeting of the Physical Therapy Board of California to order at 8:38 a.m. Roll call was taken.

Donald Chu  
Lorraine Kimura  
James Turner  
Ellen Wilson  
Julie Brandt  
Randi Woodrow

All members were present.

**13. Petition for Penalty Relief**

- (A) Petition for Termination of Probation Hearing – Travis Smith, PTA
- (B) Deliberation and Decision – CLOSED SESSION (per Title 2, Division 3, Part 1, Section 11126(d) of the Government Code)

The petition for penalty relief was cancelled prior to the Board meeting.

**14. Deliberation and Discussion on Stipulated Settlements, Proposed Default Decisions, Proposed Decisions, Non-Adoption of Proposed Decision, Petitions for Reconsideration – CLOSED SESSION (per Title 2, Division 3, Part 1, Section 11126(c)(3) of the Government Code)**

- (A) Kevin Wallace, PTA
- (B) Ryuzo Hyatt, PTA
- (C) Rekha Lund, PT
- (D) Ryan Farr, PT
- (E) Arnel Sitchon, PT

The Board's decisions on matters discussed in closed session are available on the web site at [www.ptb.ca.gov](http://www.ptb.ca.gov) once they are made public.

**15. Consumer and Professional Associations and Intergovernmental Relations – Steve Hartzell**

- (A) California Physical Therapy Association (CPTA)

Stacy DeFoe, CPTA, reiterates the CPTA is opposing the Governor's Reorganization Proposal and the CPTA has created a task force for Senate Bill 1482. Ms. DeFoe reported the CPTA has hired a new lobby firm.

- (B) Federation of State Boards of Physical Therapy (FSBPT)

Mr. Hartzell reported the FSBPT information provided in the agenda book is not current since President Chu's update on the lawsuit is more current than what is provided in the agenda book.

- (C) California Consumer Affairs Association (CCAA)

There currently is nothing to report on the CCAA.

- (D) Department of Consumer Affairs (DCA)

Mr. Hartzell reported DCA has selected our Board along with another Board as being part of the first in this series to be scheduled to begin using the Applicant Tracking System by this summer. He reported the Board

recently purchased some data processing equipment for DCA, which will not only benefit our Board but other Boards as well.

(E) Citizen Advocacy Center (CAC)

There currently is nothing to report on the CAC.

(F) California Board of Occupational Therapy (CBOT)

Ms. Marco reported on the CBOT's December meeting bullets she handed out and indicated she unfortunately was unable to attend the meeting. The next meeting will be in March and in Palm Springs. The CBOT is mostly focusing on reviewing regulations.

(G) Board of Chiropractic Examiners (BCE)

Mr. Hartzell reported the BCE is in the process of hiring a new Executive Officer.

(H) Speech-Language Pathology and Audiology Board (SLPAB)

Mr. Hartzell reported staff has not been able to attend one of the SLPAB meetings, but are looking to in the future.

**16. Strategic Planning – Rebecca Marco**

(A) Strategic Planning Matrix Chart

President Chu acknowledged Ms. Wilson's suggestion for staff to create a Strategic Planning Matrix Chart has become very useful. He also acknowledged staff's additions on the use of color which identifies the items completed.

Ms. Marco reported on the status of the Item Writing Workshops for the California Law Examination and on the dates the workshops will be taking place. She requested if members could assist her in recruiting physical therapist and physical therapist assistants to volunteer to participate in the workshops to assist in developing a new California Law Examination.

President Chu directed members to email Ms. Marco after reviewing their schedules to notify her if they will be able to volunteer for any of the seven workshops.

Mr. Hartzell reported he is working with the FSBPT on direct examination prior to applicants submitting an application to the Board. He will share information as this conversation evolves.

Ms. Wilson reported she has arranged a meeting on March 11, 2005 with a combined group of Intercollegiate Academic Clinical Coordinators Council (IACCC) members and Program Directors to discuss foreign educated issues. This meetings primary focus is to discuss allowing foreign educated physical therapists the opportunity to apply for professional courses at the physical therapy programs once their physical therapy education has been deemed deficient by the Board. The Board recognizes that if a foreign educated physical therapist has deficiencies in their professional education it is extremely difficult for these individuals to satisfy their deficiencies in order to qualify to sit for the physical therapy licensure examination.

**17. Sunset Review – Rebecca Marco**

Mr. Hartzell reported Arlyce Ten Broeck will be attending the Strategic Planning meeting in preparation of the Sunset Review.

**18. Development of Complaint Mediation Program – Steven K. Hartzell**

Mr. Hartzell reported until a case becomes available that would be appropriate, this has been placed on hold.

**19. Expert Consultants – Rebecca Marco**

Ms. Marco directed members to the briefing paper included in the agenda book and explained the Board has the authority to hire an expert consult of their choice. Ms. Marco explained the Board does not have to hire someone through a contract process but can actually hire an expert consultant on an as needed basis. She informed the Board that a physical therapist that has worked for the Board as an expert consultant has applied for the position. This person would work approximately ten hours a week in the office to provide expert consultant service to staff.

Moved by Ellen Wilson, Seconded by Randi Woodrow to approve the utilization of an expert consultant on a routine basis as selected by staff. Vote: 5-0. Motion carried.

*The minutes are to reflect Julie Brandt was not in attendance during the motion.*

**20. Disciplinary Action Report – Donald Chu, PhD, PT**

President Chu reported on the Disciplinary Action Report included in the agenda book.

**21. Legislation**

- A) Chaptered Legislation
- B) Other Legislation

Mr. Hartzell reported the deadline for legislative counsel is next week; therefore, there is nothing to report at this time.

**22. Items for Next Meeting Agenda**

- (A) PTBC Strategic Planning Meeting – March 21 & 22, 2005 in Coalinga
- (B) PTBC Meeting - May 12 & 13, 2005 in Burbank

The Board directed staff to have a draft newsletter prepared for the May meeting.

**23. Public Address**

There was no one who addressed the Board.

**24. Adjournment**

The Physical Therapy Board of California adjourned at 9:30 a.m.

Moved by James Turner, Seconded by Randi Woodrow to approve the January 27 & 28, 2005 Board meeting minutes as written. Vote: 5-0. Motion carried.

**Physical Therapy Board of California**  
**Licensing Committee Bullets**  
**January 27, 2005**  
**San Diego, CA**

- ☐ Neny Perez was approved to take the National Physical Therapists Assistant Examination.
- ☐ Since the credential evaluation agency was unable to verify the exact number of Elisabeth Brown's Clinical Education hours, staff will ask Ms. Brown to submit a Work Verification form from the facility that she worked at in Colorado. If she has worked a minimum of 800 hours as a licensed PT in Colorado, she will have no deficiency in Clinical Education, but she will have to satisfy her deficiencies in General Education.
- ☐ Marviflor Maraveles doesn't meet the minimum qualifications for licensure as a physical therapist. The Board will close her application, but she may reapply if/when she meets the minimum qualifications for licensure.
- ☐ Michelle Maglasang needs to satisfy all Professional Education deficiencies listed on the front page of the credential evaluation report, including Prosthetics & Orthotics.
- ☐ Joung Duk Kim needs to satisfy deficiencies in Integumentary Examination, Evaluation, & Intervention, and Cardiopulmonary Examination & Evaluation. His Clinical Education is sufficient, per PT consultant from IERF (who was present at the meeting).
- ☐ In addition to satisfying General Education deficiencies, Silvia Benetti needs to satisfy a deficiency in Integumentary Intervention in order to be made eligible for the National Physical Therapist Assistant Examination.
- ☐ Malgorzata Byczko does not meet the minimum qualifications for licensure. Her education is in Physical Education (not Physical Therapy), and she was not eligible to practice physical therapy in the country where she received her education.
- ☐ Staff needs to contact ICD for further clarification of Aneta Franek's credential evaluation report. The Board would like to know who, specifically, granted Ms. Franek's Master of Rehabilitation. Was it a school of Physical Therapy, or a school of Physical Education? And, where exactly, did Ms. Franek complete her Clinical Education?
- ☐ Ann John's application will be extended an additional six months and given another opportunity to satisfactorily complete a period of clinical service; thus, complete her application.
- ☐ Staff will forward the email submitted by ICD to Ms. Alholm (IERF) as she offered to assist the Board by providing an answer to ICD's question regarding grade conversions and clock hours. Ms. Alholm will also contact CAPTE with questions regarding minimum number of hours necessary in Cardiopulmonary Examination, Evaluation & Treatment and Integumentary Examination, Evaluation & Treatment in order to ensure consistent standards.
- ☐ With regards to ICD's other ELEER questions, the Board is okay with General Education credits that have no category on the Checklist to be listed in Appendix B. And, the Board agrees that, "Total Additional Related Course Work" pertains to other health-related course work (nursing, health sciences, medical terminology,, etc...), not necessarily PT course work.



## PRACTICE ISSUES MEETING BULLETS

January 27, 2005

### Approval of November 4, 2004 Practice Issues Meeting Bullets

The Board approved the meeting bullets as written since the entire Board participated in the Practice Issues Committee discussion.

#### 1. Practice Issues Inquiries –

- (A) **Inquiry** - When physical therapists from other states are involved with providing a course and they practice hands-on techniques, with the instructor there, does the physical therapist taking the course document and sign the chart and then does the instructor sign the cart taking the responsibility for the treatment? – Melinda Guttry  
**Board Response** – Approved draft response with revision to include the Board does not regulate billing.
- (B) **Inquiry** - Would it be within the physical therapist scope of practice to oversee the use of “the Vest” and train the residents to use it themselves? – Connie Raines, PT  
**Board Response** – Directed staff to write a response per, Bob Miller, Legal Counsel’s direction indicating it is within the scope of practice of a physical therapist to utilize “the Vest”; however, the physical therapist must have the competency to perform this technique.
- (C) **Inquiry** – Can a physical therapist utilize a Pulmonary Function Testing machine which measures air flow and vital capacity? – Amy Quinn  
**Board Response** - Directed staff to write a response indicating it is within the physical therapists scope of practice to assess and evaluate respiratory functions.